IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
S/3147/1989

Udai Mahendra Pathak ... Plaintiff

V/S
THE STATE OF MAHARASHTRA AND ANR .. Defendants

Mr. R.D. Dave i/b. N.N.VAISHNWA & co. for plaintiff
Mr. B. N. Shroff AGP for defendants

CORAM: **D.G. KARNIK J**.
DATE: January, 12, 2007

P.C.:

1. Heard learned counsel for the parties. The defendants have not filed the written statement. Leave to defend was granted by order of the Division Bench dated 22nd July 1991. Thereafter by order dated 12th September 1994 this court directed the defendants to file written statement within 6 weeks. Though more than a decade has passed the written statement has not been filed.
2. The suit is a simple money suit for recovery of money. Considering the nature of the suit I consider it appropriate to pass a decree under Order 8 Rule 10 of C.P.C. Accordingly the suit of the plaintiff is decreed as prayed in the prayer clause with the modification that the rate of interest would be 12% per annum instead of 21 % as prayed.

(D.G. KARNIK J.)